

## **REMARKS**

Applicant is in receipt of the Office Action mailed November 19, 2003. Claims 1 – 6, 8 – 9, 11 – 17, 19 – 20, 22 – 23, 25 – 26, 32 – 36, 38 – 43, and 45 were rejected under 35 U.S.C. 102(e) as being anticipated by the article “Embedding fuzzy logic in the content based image retrieval” to Vertan et al. Claims 7, 18, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vertan. Claims 27 – 31 were withdrawn.

Applicant attaches herewith a declaration under 37 C.F.R. §1.131 to antedate the filing date of the Vertan reference. Applicant thus submits that the present claims are allowable.

### **Petition to Claim Priority to Earlier Filed Patent Application**

Applicant also respectfully petitions for a priority claim to be accepted for the present application to claim priority as a continuation-in-part of U.S. Patent Application Serial No. 09/375,453, titled “System and Method for Color Characterization with Applications in Color Measurement and Color Matching”, filed August 17, 1999, whose inventors were Siming Lin and Dinesh Nair.

The priority claim was inadvertently omitted from the present application, and the entire delay between the time the claim was due under 37 CFR §1.78(a)(2) and the present time was unintentional. The Commissioner is authorized to charge the surcharge set forth in 37 CFR § 1.17(t) to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-46400/JCH.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-46400/JCH.

Also enclosed herewith are the following items:

- ☒ Declaration Under 37 C.F.R. §1.131 and Exhibits 1-4
- ☒ Information Disclosure Statement
- ☒ Notice of Change of Address
- ☒ Return Receipt Postcard

Respectfully submitted,

  
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Date: 4/19/2004